

MINUTES

Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on Thursday, January 25, 2007 and Friday, January 26, 2007 at 9:00 am in Room 212 of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, TN.

THURSDAY, January 25, 2007 –

Those present were: David Mathews, Chairman; Sue Braly, Vice-Chairman; Jackie Dillehay, Board Member; David Cagle, Board Member; Adrian Chick, Attorney for the Board; and Donna Moulder, Administrative Director for the board. Frances Smith, Complaint Coordinator, was also present.

David Mathews called the meeting to order at 9:00 a.m.

After reviewing the minutes of the previous meeting, Sue Braly made a motion to approve the minutes as amended. David Cagle seconded the motion. The motion carried unanimously.

COMPLAINT REVIEW:

Adrian Chick, Staff Attorney, then presented the following complaints for review. After further discussion, Chairman Mathews asked for motions on the following complaints:

Complaint #200602886 – Jackie Dillehay made a motion to accept the attorney's recommendation of a Consent Order assessing the respondent a \$1000.00 civil penalty and authorization for a formal hearing. David Cagle seconded the motion. The motion carried unanimously.

Complaint #200316320 – Sue Braly made a motion to accept the attorney's recommendation and submit the matter to the Attorney General for enforcement. Jackie Dillehay seconded the motion. The motion carried unanimously.

Complaint #200317598 – Jackie Dillehay made a motion to accept the attorney's recommendation and submit the matter to the Attorney General for enforcement. David Cagle seconded the motion. The motion carried unanimously.

Complaint #200603302 – Sue Braly made a motion to send the respondent a Letter of Warning. David Cagle seconded the motion. The motion carried unanimously.

Complaint #200601599 – Sue Braly made a motion to accept the attorney's recommendation and **dismiss** this complaint, due to the fact that no violations of the Tennessee land surveying law were found. Jackie Dillehay seconded the motion. The motion carried unanimously.

Complaint #200603791 – Jackie Dillehay made a motion to accept the attorney's recommendation of a Consent Order assessing the respondent a \$1000.00 civil penalty and authorization for a formal hearing. Sue Braly seconded the motion. The motion carried unanimously.

Complaint #200602909 – Sue Braly made a motion to accept the attorney's recommendation of a Consent Order assessing \$1000.00 civil penalty and agreed suspension for 90 days and authorization for a formal hearing. Jackie Dillehay seconded the motion. The motion carried unanimously.

Complaint #200601376 – Jackie Dillehay made a motion to accept the attorney's recommendation to **dismiss** this complaint. Sue Braly seconded the motion. The motion carried unanimously.

Complaint #200600202 – Jackie Dillehay made a motion to accept the attorney's recommendation and "table" this complaint until the litigation process is complete. David Cagle seconded the motion. The motion carried unanimously.

Complaint #200600715 – Jackie Dillehay made a motion to accept the attorney's recommendation to send the respondent a Cease and Desist letter. Sue Braly seconded the motion. The motion carried unanimously.

Complaint #200600430 - Jackie Dillehay made a motion to accept the attorney's recommendation to send both respondents in this matter a Cease and Desist letter. Sue Braly seconded the motion. The motion carried unanimously.

The board then reviewed information submitted anonymously. Jackie Dillehay made a motion to open a complaint based on the information submitted. Sue Braly seconded the motion. The motion carried 3-0. David Mathews recused himself from voting due to prior knowledge of the information submitted.

Election of officers was then held. Jackie Dillehay made a motion to keep the same officers. David Cagle seconded the motion. The motion carried unanimously.

The board then discussed policy regarding continuing education for veterans be waived while the licensee is on active duty service outside of the country. Proper

documentation must be supplied to the board. The board voted for this policy unanimously.

The board then discussed construction staking. Jackie Dillehay made a motion to adopt the board's policy regarding construction staking. David Cagle seconded the motion. The motion carried unanimously.

The following applications were then reviewed by the board:

- Stephen McClannahan – license expired 12-31-94 – David Cagle made a motion that Mr. McClannahan must submit 30 hours of continuing education before his application can be approved. Once these hours are received in the board office, application can be approved and license can be reinstated after the \$100.00 registration fee is paid. Jackie Dillehay seconded the motion. The motion carried unanimously.
- Trenton Turk – license expired 12-31-96 – Sue Braly made a motion that Mr. McClannahan must submit 30 hours of continuing education before his application can be approved. Once these hours are received in the board office, application can be approved and license can be reinstated after the \$100.00 registration fee is paid. David Cagle seconded the motion. The motion carried unanimously.

The board then met with a committee of the Engineer's board, at the request of their attorney, Christy Allen. Those present at the meeting, held at 2:30 pm, were: for the A&E Board – Philip Lim, William Stockard, Bob Campbell, Raymond White, Carlton Norris, Dennis Henderson, John Cothron, Executive Director for the A&E Board and Christy Allen, Staff Attorney for the A&E Board. Those present for the Land Surveyors Board - David Mathews, Sue Braly, Jackie Dillehay, David Cagle, Board Member; Adrian Chick, Attorney for the Board; and Donna Moulder, Administrative Director for the Board.

Ms. Allen brought up the situation concerning the Attorney General's opinion and the letter the engineers used define the difference between engineering and surveying.

After which, Chairman Mathews stated that the Surveyors Board, at that time, never agreed with the engineer's definition. Chairman Mathews state that the Surveyors Board would define what is surveying.

Ms. Allen requested the Land Surveyors Board submit a board policy concerning the Attorney General's opinion. Chairman Mathews stated that the Surveyors Board was planning on a policy statement dealing with this issue and that the board has been investigating the original intent of the law for over a year. Chairman Mathews further stated that the board should be finished with the

investigation by the March 2007 meeting and would prepare the requested policy at that time. (A copy of the minutes of that meeting is attached to these minutes) There being no further business, Sue Braly made a motion to adjourn. Jackie Dillehay seconded the motion. The motion carried unanimously. The meeting was adjourned at 3:30 pm.

FRIDAY, January 26, 2007 –

Those present were: David Mathews, Chairman; Sue Braly, Vice-Chairman; Jackie Dillehay, Board Member; David Cagle, Board Member; Adrian Chick, Attorney for the Board; and Donna Moulder, Administrative Director for the board.

David Mathews called the meeting to order at 8:57 a.m.

The following continuing education was reviewed:

- Roger Mullins – approved for 15 hours only; third party documentation will have to be turned in next time.
- Jimmy Ellison – the board needs more information to give the entire 32 hours credit
- Kenneth E. Sorrells – no credit for serving as VAPS officer
- Charles Burton – the board needs proof that he was on active duty out of the country from January 1, 2006 – December 31, 2006, otherwise continuing education submitted is no good.

Jackie Dillehay made a motion to proceed with wording change on continuing education rule. David Cagle seconded the motion. The motion carried unanimously.

Complaint #200501940 – Jackie Dillehay amended his original motion to assess respondent \$1000.00 civil penalty prior to sending the matter to the District Attorney's office for prosecution for unlicensed activity. Sue Braly seconded the motion. The motion carried unanimously.

Scores of the October 2006 examination were then reviewed.

Jackie Dillehay made a motion to accept Peter Messier's cutoff recommendation. Sue Braly seconded the motion. The motion carried unanimously.

The following examinees passed the October 2006 exam and upon payment of the appropriate fees, will be licensed as Tennessee land surveyors:

Gary Scott Carter
David Brian Harbin

Michael Lacey
Jacob Ralph Slaughenhoupt

Todd Franklin Harrison
Joshua T. Morgan
Brian Matthew Waddle
Douglas Edison Elliott
Scott David Grusenmeyer

Michael Scott Solomon
Roger William Taylor, Jr.
Brad Tyson Thomas
Kurt Michael Vonderheide
Richard Williams

PLS/ITS who passed the October 2006 FS exam:

James Robert Cooley
Thomas D.R. Edmonds
Samuel Dean Hale
Ryan C. Hardin

Collin Joseph Moyers
Robert Alan Neuhaus
Thomas Matthew Ore
Susan Elizabeth Stanford

Those who did not pass the October 2006 examination were:

Buddy R. Curtis
Jeffrey Elliott
Thomas Wiley Griffey
Todd David Holt
Stephen B. Murrell
Daniel Chadwick Moore
Jason Kyle Carmack
James Ryan Fisher
Timothy Henry
Anthony Scott Richmond
Aaron Newman Sams
John William Andrews III
Carl Daniel Moore
William Stanley Payne III (NO SHOW)

Edward Carlyle Canada III
David Clinton Evans III
Michael Josh Henry
Dax Pollard Pugh
James S. Simpson, Jr.
James Steven Aunspaugh
David Michael Brown
Ernest Charles Drake
Patrick Henry Haggard
William C. Hamilton
Vaughn R. Kuchenbecker
Michael R. Lawson
Ben T. Quinn

PLS/ITS who did not pass the October 2006 FS exam:

Taylor Lane Dillehay
Jonathan Mark Hoffman
Clint Allan Sanders

Robert C. Heinrichs
John D. Parnell

The board designated Donna Moulder to sign applications.

The next meeting has been changed to Wednesday, March 14, 2007 at 9:00 am.

There being no further business, Sue Braly made a motion to adjourn the meeting. Jackie Dillehay seconded the motion. The motion carried unanimously. The meeting was adjourned at 10:55 am.

Respectfully submitted,

Donna Moulder
Administrative Director

David Mathews, Chairman

Sue Braly, Vice-Chairman

Jackie Dillehay

David Cagle